

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO

LIMITED OFFICIAL USE STATE 305126

E.O. 11652: N/A

TAGS: PFOR, EC

SUBJECT: NOTE ON INVESTIGATION OF LOSS OF THE NEPTUNE

REF: AMBASSADOR-KING TELCON, DECEMBER 24, 1975

1. EMBASSY IS REQUESTED TO DELIVER FOLLOWING NOTE TO
MFA:

BEGIN TEXT. THE EMBASSY OF THE UNITED STATES OF
AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF
FOREIGN AFFAIRS OF ECUADOR AND, ON THE INSTRUCTIONS OF ITS
GOVERNMENT REFERS TO THE MATTER INVOLVING U.S. FLAG VESSEL
NEPTUNE ON NOVEMBER 30, 1975, AND THE SUBSEQUENT INQUIRY
INTO THAT INCIDENT AND OTHER MATTERS.

THE GOVERNMENT OF THE UNITED STATES IS PLEASED TO
NOTE THE RELEASE OF THE CREWMEN DETAINED DURING THE
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INQUIRY, AND THE EXPEDITIOUS HANDLING OF THE MATTER BY
THE GOVERNMENT OF ECUADOR.

THE GOVERNMENT OF THE UNITED STATES NOTES THAT THE NEPTUNE SINKING OCCURRED ON THE HIGH SEAS ALTHOUGH THE UNITED STATES IS AWARE OF THE CLAIM BY THE GOVERNMENT OF ECUADOR THAT THIS AREA IS WITHIN THE TERRITORIAL WATERS OF ECUADOR. THE DISPUTE CONCERNING THE JURIDICAL STATUS OF THESE WATERS IS ONE OF LONG STANDING BETWEEN THE TWO

COUNTRIES, AND IT IS NOT THE PURPOSE OF THIS NOTE TO REVIVE THAT DISPUTE SINCE THE GOVERNMENT OF ECUADOR AND THE GOVERNMENT OF THE UNITED STATES ARE WELL AWARE OF EACH OTHERS RESPECTIVE POSITIONS. HOWEVER, THE GOVERNMENT OF THE UNITED STATES IS COMPELLED TO POINT OUT TO THE GOVERNMENT OF ECUADOR THAT THE UNITED STATES VIEWS WITH THE UTMOST SERIOUSNESS ANY INTERFERENCE WITH THE TRADITIONAL HIGH SEAS FREEDOMS OF U.S. VESSELS AND REGARDS ALL MATTERS CONCERNING THE INTERNAL ADMINISTRATION OF SHIPS ON THE HIGH SEAS AS FLAG STATE MATTERS.

THE GOVERNMENT OF THE UNITED STATES WISHES TO FURTHER NOTE THAT FLAG STATES HAVE REGULATORY AND INVESTIGATORY JURISDICTION OVER SHIPS FLYING THEIR FLAGS, AND THAT IT IS ACCEPTED INTERNATIONAL PRACTICE FOR A COASTAL STATE TO TURN OVER TO THE FLAG STATE THE PERSONNEL, VESSELS AND OTHER EVIDENCE INVOLVED IN INCIDENTS OCCURRING IN THE WATERS OFF THE COASTAL STATE. THE GOVERNMENT OF THE UNITED STATES BELIEVES THAT THIS WAS THE APPROPRIATE MANNER IN WHICH TO HANDLE THE NEPTUNE INCIDENT, AND EXPRESSES ITS HOPE THAT THIS PROCEDURE WILL BE FOLLOWED IN THE FUTURE IF SIMILAR SITUATIONS ARISE.

(CLOSING COMPLIMENTARY PARAGRAPH.) END TEXT.

ROBINSON

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